

1 morning and necessitated some informal readjustment on the
2 part of the people. So don't believe that your witness
3 doesn't need to be present until the afternoon or the
4 following day because you may run into a shock and I'm just
5 liable to be saying, you know, "It's time, Mr. Koerner. It's
6 time for you to present your witnesses." And I don't want to
7 hear anything other than, "They're out in the witness room."

8 All right. Now, on those rare occasions when you do
9 need an accommodation for a witness, talk to opposing counsel
10 ahead of you, behind you, and arrange a switch. Now,
11 everybody that's involved in that witness has to be a party to
12 that arrangement. Don't try to slip by the cross examiner
13 without giving me the accommodation. But if you bring that
14 accommodation to me on the record, in all -- and it doesn't
15 affect the forward movement of the case, in all probability
16 I'm going to approve it. There's no reason -- I can if we're
17 moving the case forward.

18 But don't bring the accommodation to me and say,
19 "Rule if that's the case," because I'm not going to. We're
20 going to proceed in docket order with the witnesses and we're
21 going to go straight to the hearing without a lapse. There'll
22 be no lengthy recesses while we wait for witnesses.

23 Now, many people -- well, not many. Some lawyers
24 have thought that I'm being unduly harsh in that approach,
25 among them, Mr. Shainis, and the only thing I can say is when

1 I accommodate a witness's presence, I'm just accommodating Mr.
2 Koerner, Mr. Yelverton, Ms. Conners, Mr. Alpert, Mr.
3 Belendiuk, the court reporter, and myself. Now, I'd rather
4 accommodate seven of us than disaccommodate one. I find out
5 it makes my trials go better.

6 All right. As I've said, we'll be in hearing from
7 8:30 to -- 8:30 a.m. to 5:30 p.m. with an hour for lunch so
8 tell your loved ones to leave a light in the window. A well-
9 prepared -- well, trial time's a limited resource. This is
10 the principle I operate off of. Both bench and bar are
11 responsible for using that time wisely and a well-prepared
12 trial with competent counsel practically runs itself. I don't
13 have to do a thing.

14 A good trial has few distractions, few
15 interruptions, and as a trial judge, I want you to have had
16 your day in court without being hurried or detained. So as
17 you've probably learned, there's no off-the-record conferences
18 or lobby conferences in my trial plan. Now, having said that,
19 is there anything further that we need to take -- we need to
20 take up today, Mr. Belendiuk?

21 MR. BELENDIUK: No, Your Honor.

22 JUDGE MILLER: Mr. Koerner?

23 MR. KOERNER: I don't believe so, Your Honor.

24 JUDGE MILLER: Ms. Conners?

25 MS. CONNER: No, sir, Your Honor.

1 JUDGE MILLER: Mr. Alpert?

2 MR. ALPERT: Can't think of a thing, Your Honor.

3 JUDGE MILLER: Mr. Yelverton?

4 MR. YELVERTON: One matter, Your Honor. I exchanged
5 or hand-delivered to the parties a declaration of no
6 consideration with respect to the dismissal of the application
7 of Westerville Broadcasting Company Limited Partnership and a
8 copy, it's in a brown envelope on your desk.

9 JUDGE MILLER: All right. Some of the people have
10 already put -- placed -- put theirs in and all I'm really
11 going to do is just to be sure that all parties have done that
12 because I don't think we're dealing with any problem there.
13 But it's just nice to be safe.

14 MR. YELVERTON: I'd just state for the record,
15 rather than mail delivery, it was done by hand delivery at the
16 conference this morning.

17 JUDGE MILLER: That brings us up-to-date with that,
18 Mr. Yelverton. Anything further?

19 MR. YELVERTON: Nothing, Your Honor.

20 JUDGE MILLER: All right. Then we stand adjourned
21 until August 20, 1993 at 8:30 a.m.

22 (Whereupon, at 9:02 a.m. on Monday, August 16, 1993,
23 the prehearing conference was adjourned.)
24
25

CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

IN THE MATTER OF WESTERVILLE, OHIO
Name of Hearing

MM DOCKET NO. 93-107
Docket No.

WASHINGTON, D.C.
Place of Hearing

AUGUST 16, 1993
Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 27, inclusive, are the true, accurate and complete transcript prepared from the reporting by MARYKAE FLEISHMAN in attendance at the above identified hearing, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearing and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the hearing or conference.

August 25, 1993
Date

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